IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 21410 of 2004

Between:

B. Sathish Kumar Guptha S/o late S. Bhagath Ram Guptha
M/s. S.B. Ram & Company 1-2-367/1, Gagan Mahal Road,

Domalguda, Hyderabad

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep by Principal Secretary.,

Industries Dept. Secretariat, Hyderabad
2 The Commissioner of Industries & Competent Authority, Azamabad

Industrial Area, Chirag ali Lane, Hyderabad
3 M/s. Praja Shakthi Sahithi Samstha rep by Authorized Signatory

RTC. X Roads, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or Direction, more particularly one in the nature of Writ of Mandamus declaring the impugned Memo No. 10678/IF.Cell/A1/2004 dated 8-11-2004, the consequential allotment letter No. 97818/IFCell/AI/2004 dated 9-11-2004 of the respondent No.1 as arbitrary, illegal, against the principles of natural justice and unconstitutional.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for the Respondents 1 and 2: GP FOR INDUSTRIES & COMMERCE

Counsel for Respondent No.3: Mr.V.Ajay Kumar.

The Court made the following:

ORDER:

This writ petition is filed questioning Memo No.10678/IF.Cell/A1/2004 dated 08-11-2004, dismissing the statutory appeal preferred by the petitioner under Section 9 of the Azamabad Industrial Area (Termination and Regulation of Leases) Act, 1992 amended as A.P. Act 1 of 2000 (for short 'the Act').

2. The only contention raised by the learned counsel for the petitioner is that since the appellate authority did not consider the contentions raised by the petitioner in his memo of appeal and had just reproduced Section 3 (1) (b) of the Act, without assigning any reasons as to how that Section is applicable to the petitioner, it is but a non-speaking order and hence is not sustainable, and so the matter may be remitted to the appellate authority for consideration afresh on all grounds raised by the petitioner in the memo of grounds.

3. Heard the learned counsel for third respondent and the learned Government Pleader.

4. As rightly contended by the learned counsel for petitioner, the impugned order is a non-speaking order as it merely reproduced Section 3 (1) (b) of the Act for dismissing the appeal without considering any of the contentions raised by the petitioner in the grounds of appeal. For that reason alone, the order is liable to be set aside.

5. Therefore, the impugned order is set aside and the matter is remitted to the appellate authority for consideration of the appeal of the petitioner afresh in accordance with law, after giving notice to the parties concerned by registered post with acknowledgment due. The appellate authority shall dispose of the appeal as

expeditiously as possible, at any rate within a period of two months from the date of service of notice on the parties concerned, after receipt of a copy of this order by the appellate authority. The interim stay granted earlier stands vacated.

The writ petition is disposed of accordingly. No costs.

_____

(C.Y.SOMAYAJULU, J)

Dated February 17, 2005.

YCR

To

1 The Principal Secretary, Government of Andhra Pradesh,

Industries Department, Secretariat, Hyderabad
2 The Commissioner of Industries & Competent Authority, Azamabad

Industrial Area, Chirag ali Lane, Hyderabad
3 2 CCs to G.P For Industries & Commerce, High Court Buildings, Hyderabad.
(OUT)

4. 2 C.D. copies.